

#11

December 29, 2010

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
 Patent No.
 Issue Date
 Application No.
 Filed
 For
 Group Art Unit
 Senior Petitions Attorney
 Docket

: Paul Baillargeon
 : 6,265,983
 : 07/24/2001
 : 09/408,798
 : 09/30/1999
 : FALL PROTECTION SYSTEM AND METHOD
 : 2632
 : Douglas I. Wood
 : BAIPAU P01AUS

RECEIVED

JAN 12 2011

OFFICE OF PETITIONS

DEC 30 PM 4:11

Mail Stop 16
 Director of the U.S. Patent & Trademark Office
 P. O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir or Madam,

REQUEST FOR REFUND

The Applicant requests a refund of maintenance and surcharge fees paid in the filing of (1) a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent and the filing of (2) a Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent. Neither of these petitions for the above noted application were renewed or granted.

The fees for (1) the Unintentionally Delayed Payment petition were paid by check #16461 and enclosed in a letter sent by Attorney Daniel J. Bourque dated December 17, 2009. This check was in the amount of \$3370.00 and included the 3.5 year maintenance fee for a small entity in the amount of \$490.00, the 7.5 year maintenance fee in the amount of \$1,240.00 and the surcharge fee of \$1,640.00. A copy of the petition and check is attached. In accordance with 37 C.F.R 1.378 (e), Applicant respectfully requests a refund of the maintenance and surcharge fees in the amount of \$3370.00.

In addition, the \$700.00 surcharge fee for the Unavoidably Delayed Payment was paid by Daniels Patent law PLLC in check #1348 with the filing of this petition on June 22, 2010. A copy of the most recently filed petition and check is enclosed. Again, in accordance with 37 C.F.R 1.378 (e), Applicant also respectfully requests a refund of the surcharge fee in the amount of \$700.

Our bank account information is provided for this refund as follows:

Laconia Savings bank
62 Pleasant Street
Laconia NH 03246
Checking Acct. # 851052308
Routing # 211770271

If there is any additional information required, the Official in charge of this matter is requested to please contact the undersigned.

Respectfully submitted,
/sdaniels68/
Scott A. Daniels, Reg. No. 42,462
Customer No. 84386
Daniels Patent Law PLLC
43 Centre Street
Concord, NH 03301
Telephone (603)226-8610
Facsimile (603)226-8611
E-mail: scott@danielspatentlaw.com

Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))Docket Number (Optional)
BAIPAU P01AUS

Mail to: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450
 Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,265,983Application Number: 09/408,798Issue Date: 07/24/2001Filing Date: 09/30/1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

- is a reissue of original Patent No. _____ original issue date _____;
 original application number _____
 original filing date _____
- resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

June 22, 2010

Date

/sdaniels68/

Signature

Scott Daniels

Typed or printed name of person signing Certificate

1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/>	\$ _____	3 ½ yr fee	<input checked="" type="checkbox"/>	\$ 490.00	3 ½ yr fee
<input type="checkbox"/>	\$ _____	7 ½ yr fee	<input checked="" type="checkbox"/>	\$ 1240.00	7 ½ yr fee
<input type="checkbox"/>	\$ _____	11 ½ yr fee	<input type="checkbox"/>	\$ _____	11 ½ yr fee

MAINTENANCE FEE BEING SUBMITTED \$ 0.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700.00

5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ 700.00

Please charge Deposit Account No. _____ the sum of \$ _____.

Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

 Credit to Deposit Account No. _____

OR

 Send refund check**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

/sdaniels68/

June 21, 2010

Date

Scott A. Daniels

42,462

Typed or printed name(s)

Registration Number, if applicable

43 Centre Street

603 226 8610

Address

Telephone Number

Concord, NH 03301

Address

ENCLOSURES:

- Maintenance Fee Payment
- Statement why maintenance fee was not paid timely
- Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- Other:

PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT UNDER 37 CFR 1.378(B)

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

/sdaniels68/

Signature

Scott A. Daniels

Type or printed name

June 21, 2010

Date

42,462

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Please see attached.

(Please attach additional sheets if additional space is needed)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Paul D. Baillargeon
Serial No. : 09/408,798
Filed : September 30, 1999
For : FALL PROTECTION SYSTEM AND METHOD
Examiner : N/A
Attorney's Docket : BAILLAR-001AX

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
12/17/05.

By: 
Daniel J. Bourque, Esquire
Registration No. 35,457
Attorney for Applicant(s)

L E T T E R

3.5 YEAR MAINTENANCE FEE PAYMENT AND 7.5 YEAR MAINTENANCE FEE
PAYMENT

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith please find our check number 16461 in the amount of \$3,370.00. This check includes \$490.00 for the 3.5 year maintenance fees and \$1,240.00 for 7.5-year maintenance fees on Patent Number 6,265,983 issued on July 24, 2001 to Paul D. Baillargeon as well as and \$1,640.00 for the surcharge fee.

In re: appl: Paul D. Baillargeon
Patent: 6,265,983
Granted: July 24, 2001
Serial Number: 09/408,798
Filed: September 30, 1999

- [X] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 02-3285 for the cost of such extension.
- [X] The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 02-3285.

Respectfully submitted,

Paul D. Baillargeon

By


Daniel J. Bourque, Esquire
Registration No. 35,457
Attorney for Applicant(s)

Bourque & Associates, P.A.
835 Hanover Street, Suite 301
Manchester, NH 03101
Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: 18-17-09

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))	Docket Number (Optional) BAILLAR-001AX
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Mail to: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,265,983

Application Number 09/408,798

Issue Date July 24, 2001

Filing Date September 30, 1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent

Is a reissue of original Patent No. _____ original issue date _____
 original application number _____
 original filing date _____

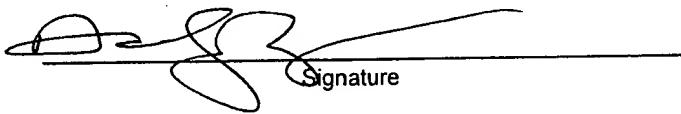
resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____
 filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

12-17-05

Date



Signature

Daniel J. Bourque, Esquire

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1. SMALL ENTITY

Pattee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Pattee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/>	\$ _____ 3 ½ yr fee	(1551)	<input checked="" type="checkbox"/>	\$ 490.00 3 ½ yr fee	(2551)
<input type="checkbox"/>	\$ _____ 7 ½ yr fee	(1552)	<input checked="" type="checkbox"/>	\$ 1,240.00 7 ½ yr fee	(2552)
<input type="checkbox"/>	\$ _____ 11 ½ yr fee	(1553)	<input type="checkbox"/>	\$ _____ 11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1,730.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1,640.00

5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ 3,370.00

Please charge Deposit Account No. _____ the sum of \$ _____

Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 02-3285

7. OVERPAYMENT

As to any overpayment made please

OR

 Credit to Deposit Account No. 02-3285 Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATE



Signature(s) of Petitioner(s)

Daniel J. Bourque, Esquire

Typed or printed name(s)

603-623-5111

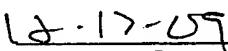
Telephone Number

Bourque and Associates, PA

Address

835 Hanover Street, Suite 301, Manchester, N.H. 03104

Address



Date

35,457

Registration Number, if applicable

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES



Maintenance Fee Payment



Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)



BOURQUE & ASSOCIATES, P.A.
835 HANOVER STREET STE. 301 PH. (603) 623-5111
MANCHESTER, NH 03104

> THREE THOUSAND THREE HUNDRED SEVENTY DOLLARS AND NO/100

AY

DATE Dec. 17, 2009 AMOUNT
\$3,370.00

UNITED STATES PATENT AND TRADEMARK OFFICE

OTHER
ORDER
IF



16461

CITIZENS BANK
New Hampshire

54-153/114

Security features. Details on back.

AUTHORIZED SIGNATURE

A handwritten signature consisting of a series of loops and curves.

[REDACTED]

JURQUE & ASSOCIATES, P.A.

NEBS To Reorder: 1-800-225-6380 or www.nebs.com
PRODUCT LM260C USE WITH B380 ENVELOPE PRINTED IN U.S.A.
A [REDACTED] B [REDACTED]

16461

Vendor: J059-US Patent & Trademark Office

Date: 06/22/2010

Amount: \$700.00

Description: USPTO

Firm's Acct #:

Inv. #:

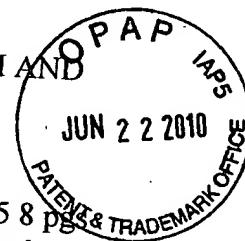
Account #	Firm Amount
52020.00	\$700.00

DELUXE CORP

1+800-328-0304

28055W

In re Appln. of: Paul Baillargeon
For: FALL PROTECTION SYSTEM AND
METHOD
Docket: BAIPAU P01AUS



RECEIVED 5 pgs Form PTO/SB/65 8 pgs Petition to Accept Unavoidably Delayed Payment of Maintenance Fee 4 pgs Exhibit A, 4 pgs Exhibit B, 1 pg Exhibit C, 1 pg Exhibit D, 9 pgs Exhibit E, and Check for \$700.00 Date: June 22, 2010